

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	127-133 Charing Cross Road, London, WC2H 0EA,		
Proposal	Refurbishment and extensions to existing building including replacement of external facades; three additional floors at roof level plus rooftop access housing and plant enclosure; and terraces at second to seventh floor level; to provide retail (Class A1), office (Class B1) and nightclub (Sui Generis) floorspace.		
Agent	Miss Louise Overton		
On behalf of	RDI REIT Charing Cross Road Limited		
Registered Number	19/00531/FULL	Date amended/ completed	24 January 2019
Date Application Received	24 January 2019		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

The existing building is four storeys in height and was constructed in the 1970's. The application retains much of the existing buildings structure, but with the replacement of all facades. Extensions are proposed to the north and south elevations and an upward extension to provide three additional floors plus a rooftop plant enclosure and access housing at roof level. Terraces are proposed at second to seventh floor level. The uses will reflect the existing, with the two nightclubs retained at basement and ground floor level, retail to Charing Cross Road and an increase in office floorspace.

The key issues for consideration are:

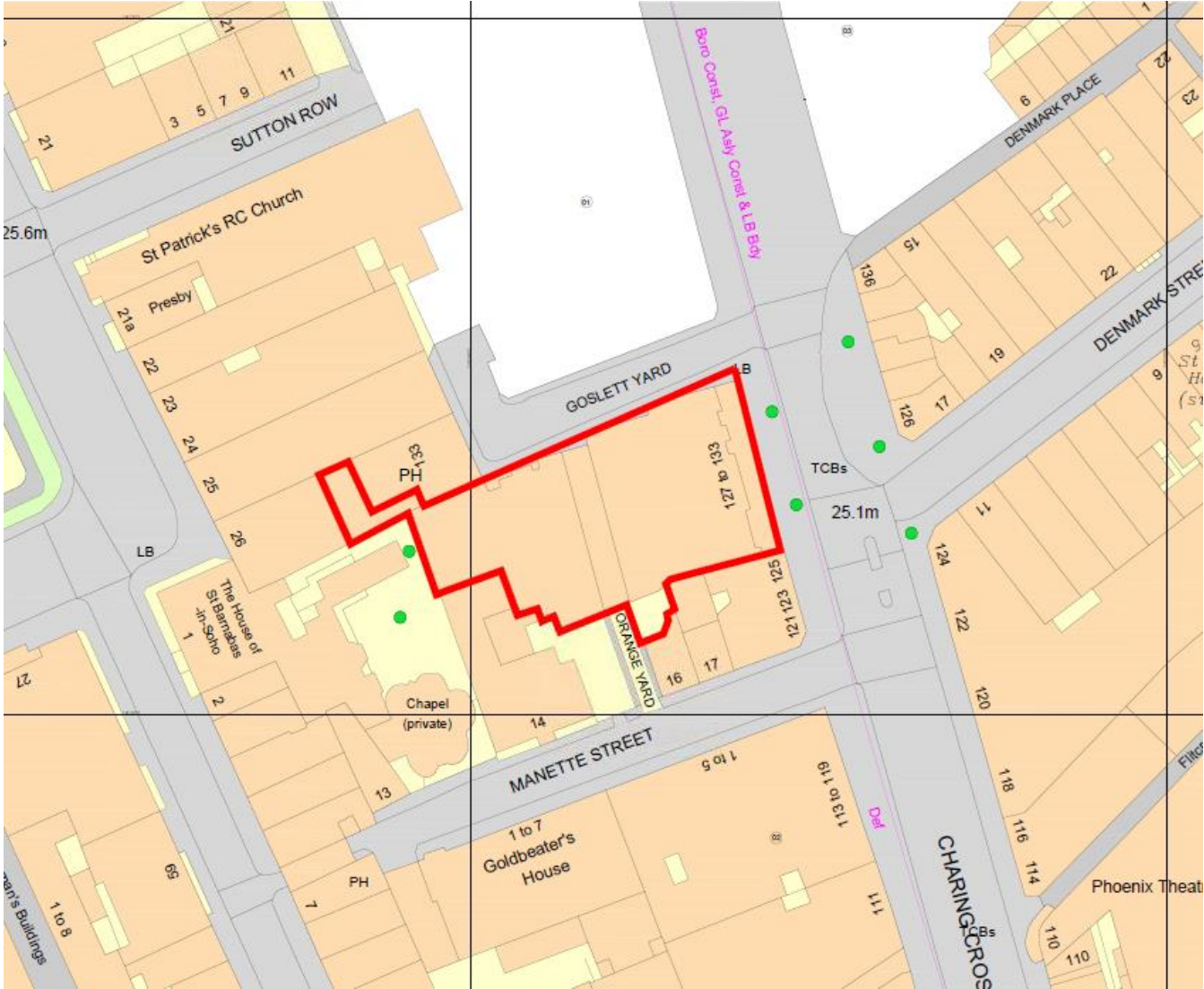
- The impact of the proposals on the character and appearance of the Soho Conservation Area and the setting of adjacent listed buildings;
- The land use implications of the proposal;
- The impact of the proposals on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

The proposals are considered acceptable in design, conservation, land use, amenity and highway terms in accordance with the Core Strategy and Unitary Development Plan (UDP) policies.

2. SUMMARY

1. Grant conditional permission subject to a S106 legal agreement to secure the following:
 - i) A payment of £1,713,303.47 towards the Council's affordable housing fund (index linked and payable on commencement of development).
 - ii) Carbon offset payment of £41,400.
 - ii) Monitoring costs.
2. If the S106 legal agreement has not been completed within four weeks of the Committee resolution then:
 - a) The Executive Director for Growth, Planning and Housing shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers, however, if not
 - b) The Executive Director for Growth, Planning and Housing shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View along Charing Cross Road on corner with Goslett Yard



View from Manette Street

5. CONSULTATIONS

COUNCILLOR GLANZ

Requests that the application be determined at Committee.

HISTORIC ENGLAND

No comment.

HISTORIC ENGLAND (ARCHAEOLOGY)

No archaeology requirement.

LONDON BOROUGH OF CAMDEN

No response received to date.

SOHO SOCIETY

No objection. However, there is a mis-statement in the applicant's consultation statement that they consulted with the Society, which they did not.

FITZROVIA NEIGHBOURHOOD ASSOCIATION

No response received to date.

THAMES WATER

No objection subject to informatives.

CROSSRAIL

The detailed design of the proposed development needs to take account of the construction of Crossrail. No objection subject to a condition and informative.

METROPOLITAN POLICE

No objection.

HIGHWAYS PLANNING

No off-street car parking is proposed. The site is within a controlled parking zone and has a good level of public transport accessibility. The proposal is unlikely to have a significant impact on on-street car parking in the area.

No off-street servicing is available at the site. The servicing requirements are unlikely to alter significantly as a result of the proposed development and it is not considered that it will have a significant adverse impact on the surrounding public highway.

The proposal includes the provision of 68 cycle spaces (the 12 folding spaces are not recognised as formal spaces). This provision is sufficient to meet the needs of the proposed extension. The inclusion of changing and shower facilities are welcomed.

The new façade of the building will be no further than the existing "buttress" structures on Charing Cross Road. The proposal will not result in the loss of publicly maintained public highway and should not have a significant adverse impact on pedestrians.

No doors should open out over the public highway.

WASTE PROJECT OFFICER

No objection.

ENVIRONMENTAL HEALTH

Further information is required in relation to plant and machinery noise; noise egress from commercial uses, noise impact from terraces/external areas and hours of use. A supplementary acoustic report will be required when details of plant and the proposed location has been decided and an operational management plan for customers leaving and arriving at the premises. Conditions recommended.

ARBORICULTURAL MANAGER

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 238

Total No. of replies: 4

4 letters have been received from local residents (2) and businesses (2) on the following grounds:

Land use

- The nightclub floorspace will increase late night noise and potential for crime and disorder in the area which already houses a nightclub.
- G-A-Y Group limited, the sub-tenant and operator of the ground floor nightclub a well-known LGBT+ nightclub, seek to ensure that the proposed works will not impact on the nightclubs operations or jeopardise the future of the venue as an important late-night entertainment venue within the LGBT+ community and contributor to London's late-night economy. Conditions should be imposed to ensure that the development does not affect the continued operation of the venue as it currently functions; any building work should cease by 8pm and should not interfere with their deliveries.

Design

- The bulk and height of the proposed building will dwarf the properties on Manette Street.

Amenity

- Loss of light and privacy to flat within Shaldon Mansions, 132 Charing Cross Road.
- Loss of light and privacy to flat within 133 Charing Cross Road.
- Loss of natural light to Charing Cross Road and Manette Street. Manette Street will become a dark and gloomy place as it will be surrounded by buildings that dwarf them.

Other

- The area will become hotter as all the glass will reflect the heat.
- Noise, disturbance and increased traffic during construction work.

- Residents and businesses in the area have already suffered greatly due to the level of development/building works going on in the area for Crossrail, Ilona House and Denmark Street.
- Lack of consultation on the development.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located on the west side of Charing Cross Road on the corner with Goslett Yard. The south elevation partially abuts Orange Yard off Manette Street, and the rear of the building backs onto The House of St Barnabas.

The existing building was constructed in the 1970's. It is four storeys in height with a set back plant enclosure. There is retail at basement and ground floor level fronting Charing Cross Road, two nightclubs (sui-generis) at basement and ground floor level accessed from Goslett Yard and Orange Yard and offices on the upper floors.

The site is not listed, but it lies within the Soho Conservation Area. It is within the Core Central Activities Zone and the West End Special Retail Policy Area.

The surrounding area contains a range of built forms and scales and has been the subject of significant development principally triggered by the construction of a new Crossrail Station. There are a number of listed properties within the immediate vicinity of the site. These comprise The House of St Barnabas (Grade I) to the rear; 26 Soho Square (Grade II*) also to the rear; and 14, 16 and 17 Manette Street (Grade II) to the south of the site.

6.2 Recent Relevant History

There have been a number of applications permitted for external lighting, replacement windows, shopfronts, plant and advertisements at the property.

Planning permission was granted for an extension of the ground floor to eliminate recess and installation of a new shopfront and office entrance on Charing Cross Road elevation with provision of disabled access and installation of display windows to Goslett Yard in July 2001.

Planning permission was granted for the erection of a glazed extension to the rear of the site at second and third floor levels to provide additional office accommodation, roof terraces, removal of part of the existing mechanical plant at roof level and installation of new plant and associated screening at roof level and the installation of a green roof in January 2008.

7. THE PROPOSAL

The application retains much of the existing buildings structure, but with the replacement of all of the facades. Extensions are proposed to the north and south elevations and an upward extension to provide three additional floors plus a rooftop plant enclosure and access housing at roof level. Terraces are proposed at second to seventh floor level.

The uses will reflect the existing, with the two nightclubs retained at basement and ground floor level, retail to Charing Cross Road and increased office floorspace.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The building is currently in office use with retail and nightclub uses at basement and ground floor level. The existing and proposed land uses can be summarised as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (class A1)	786	635	-151
Office (class B1)	3090	5552	+2462
Nightclub (Sui generis)	1054	1059	+5
Total	4930	7246	+2316

(Applicants calculations)

Office use

The site is located within the Core Central Activities Zone (CAZ). Policy S1 of Westminster's City Plan adopted November 2016 relates to mixed uses in the CAZ and encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports it's living, working and visiting populations. The policy goes onto state that for development within the core CAZ, which includes net additional B1 office floorspace, where the net additional floorspace (of all uses) is between 30% and 50% of the existing building floorspace, and more than 400sqm, residential floorspace or an equivalent payment in lieu will be required, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace.

Policy S20 relates to offices and states that the Council will seek to exceed its target for additional B1 office floorspace capacity. This policy seeks to restrict the loss of office space to housing within the CAZ.

The proposed offices will be accessed from a new entrance/reception area on Charing Cross Road with a central core providing access to the basement and upper levels. The proposal will result in an increase in office floorspace of approximately 2462sqm which is considered acceptable in land use terms. The proposed development will provide 48% net additional floorspace (of all uses) and therefore triggers the requirement for new residential floorspace. Policy S1 states that the residential floorspace that is required can be provided in one of four ways: On-site; Off-site; Mixed use credits; or a payment in lieu of the residential floorspace. The Applicant has confirmed that they

will provide this as a payment in lieu in accordance with Councils formula. It is recommended that a payment of £1,713,303.47 towards the Council's affordable housing fund (index linked and payable on commencement of development) be secured through a section 106 legal agreement.

Retail Use

The site falls within the West End Special Retail Policy Area. Policy S7 of Westminster's City Plan (November 2016) relates to the West End Special Retail Policy Area and seeks to prioritise improved retail space; appropriate retail growth; improved pedestrian environment; development of oasis areas of rest, including seating areas and A3 café and restaurant uses where appropriate; and improved linkages to and from surrounding retail areas and visitor attractions and provision of appropriate service uses where they complement the shopping environment.

Policy S6 (Core Central Activities Zone) and S21 (Retail) of the City Plan and SS4 (New retail floorspace in the CAZ) of the UDP protect existing retail floorspace and encourage new retail floorspace in the CAZ. Policy SS4 states that development schemes should provide at least the same amount of A1 use as was there before. The size and type of units must be appropriate to the character and function of the street.

Replacement retail floorspace is proposed at basement and ground floor level, however, there will be a reduction in retail floorspace of 151sqm due to the improved central core for the office use and increased office facilities in the basement including cycle storage. Whilst the loss of retail floorspace is highly regrettable, the amount of retail frontage along Charing Cross Road will remain unchanged, occupying three bays, with the provision of high quality shopfronts which will create a much-improved ground floor frontage. Additional shopfront glazing is also proposed to Goslett Yard which will activate this frontage. The retail area will have the flexibility to be let as either one large unit or two smaller retail units. It is not therefore considered that a refusal on the grounds of loss of retail floorspace could be sustained.

Nightclub Use

Policy S24 of the City Plan and TACE 8 -10 of the UDP relate to new entertainment uses which includes nightclubs. There are no policies which relate to existing nightclub uses. The Draft New London Plan (policy HC6) supports the night-time economy particularly in the Central Activities Zone, building on the Mayor's Vision for London as a 24-Hour City and seeks to protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues.

The proposal will retain the two existing nightclubs at basement and ground floor level which are currently occupied by G-A-Y and Borderline. An additional 5sqm of floorspace will be provided due to the provision of a new bin store.

A representation has been received from G-A-Y Group Limited, the sub-tenant and operator of the ground floor nightclub which is a well known LGBT+ nightclub. They seek to ensure that the proposed construction works and development will not impact on the nightclub's operations and the future of the venue as an important late night entertainment venue within the LGBT+ community and contributor to London's late night

economy. The applicant has confirmed that they are in discussions with G-A-Y Group Limited and an update will be reported verbally at the committee.

Given that the nightclubs are to remain as existing, there are no land use objections to this element of the scheme. The venues late night licence to 4am is personal to G-A-Y so the venue would close earlier under a different occupier.

8.2 Townscape and Design

The existing site and area

The application site is an existing late 20th century office block fronting Charing Cross Road and Goslett Yard. The city boundary with the London Borough of Camden follows the centre of Charing Cross Road immediately in front of the site. To the north of the site on the opposite side of Goslett Yard is 'Number One Oxford Street' Site B, part of the over-site development associated with the new Tottenham Court Road Crossrail Station, the entrance to which itself lies on the other side of Charing Cross Road to the north-east. A further major oversite development is also currently being built opposite the application site between Denmark Place and the new station entrance within Camden. The site adjoins to the south a short row of older buildings 121-123 Charing Cross Road, fronting Charing Cross Road and forming the corner with Manette Street. Immediately south of those, forming the other corner of Charing Cross Road with Manette Street, is the current development site of 'Iona Rose House' at 113-119 Charing Cross, formerly part of Foyles.

The site falls outside of but is immediately surrounded to the north, east and south by the Tottenham Court Road Opportunity Area (TCROA). As a result of this, the character of this part of Charing Cross Road has and continues to change substantively, producing a collection of large scale commercial buildings in a mixture of architectural styles and stages of completion. These are shown in context in the application documentation.

The site falls just within the eastern-most part of the Soho Conservation Area (SCA) where it meets the larger scale character area of Charing Cross Road and St Giles beyond. The SCA as a whole is characterised by a densely packed 17th century grid of narrow streets and squares, fronted by an array of buildings of mixed styles, periods and scales. The site is at the interface between this more historic character and the more modern and less intimate urban commerciality to the east.

Immediately adjacent to the site to the south, facing Manette Street, are the Grade II listed 14, 16 and 17 Manette Street. To the rear of the site is the Grade I listed House and Chapel of St Barnabas, and the Grade II* listed 26 Soho Square. The contribution which setting makes to the significance of these listed buildings is mixed, but is now heavily affected by the presence of the various large developments associated with the TCROA. Whilst they retain their sense of integrity with the 18th century character of the rest of Soho and Soho Square, they are also now characterised by a backdrop of large-scale office blocks in often starkly contrasting architectural styles.

The existing building is not listed itself, nor is it considered to have any architectural or historic significance in its own right. Built in the 1970s over four above-ground storeys

plus a rooftop plant / access pavilion, its construction is based on a concrete frame, overclad with brick. It is a generally functionally designed building, but with an uncompromisingly prominent arrangement of projecting brick columns supporting a heavy brick parapet to the front elevation. The south and rear elevations have been extended in the past decade to form a glazed southern façade, visible from Manette Street in gaps between the listed buildings. When viewed from the garden of the House of St Barnabas, it appears low over the boundary wall as a series of stepped terraces, so reducing the impacts which it might have on the setting of the garden. The building has no architectural merit in itself and is not known to be the work of a significant architect. It is considered to have a significantly negative affect on the character and appearance of the conservation area and setting of adjacent listed buildings.

Legislation, policy and guidance

Due to the site's location within the conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be given to the preservation or enhancement of the character / appearance of the conservation area when determining this application. Similarly, due to the adjacency of the listed buildings discussed above, Section 66 of the same Act requires that special regard must be given the preservation of the setting of the listed buildings when determining this application. Coupled with the requirements of the NPPF which requires that great weight must be given to the preservation of the significance of designated heritage assets such as these, this equates to a strong presumption against the approval of harmful proposals unless significantly and demonstrably outweighed by public benefits directly secured by the application proposals.

We are required also to determine the application in accordance with the London Plan, City Plan and Unitary Development Plan, in particular DES 1, DES 9 and DES 10 of the UDP which require us to seek the preservation of these assets, and to secure a high quality of architectural design. This is further informed by the Soho Conservation Area Audit, which identifies key characteristics, sensitivities and opportunities for enhancement within the SCA.

The application proposals

It is proposed to retain the concrete frame of the existing building, and to reclad and extend it to enlarge the building. The proposal would add a further three storeys (fourth to sixth floors), plus a plant / roof access storey and enclosure on top of the existing ground to third floors, producing a seven storey building (from the existing four).

The existing brick and metal cladding would be stripped off, and replaced by stone and faience cladding, inset with new metal fenestration and ground floor shopfronts. The retention of the existing concrete frame limits the freedom of the site's redesign, resulting in a continued arrangement of vertical columns supporting a parapet to the front elevation. However, the existing poorly defined corners of the building would be resolved through the addition of (effectively false) corner columns, thereby enabling both a properly 'framed' front elevation with a more carefully refined parapet, whilst also allowing the building to properly turn the corner into Goslett Yard. Within this stone frame would be inset faience panels around triple height bays of metal-framed windows

separated by horizontal stone spandrels. This would create a richness and depth of character whilst avoiding the uncomfortably deep recesses of the existing elevation.

This front principal block would be surmounted by the new fourth to sixth floors which would be set back from the front building line by around two metres, and from the side building lines by around 1 metre. These new upper storeys would be faced in faience with metal-framed windows arranged in pairs or triplets. This is a simpler elevation to ensure subservience with the principal floors below. Towards the middle and rear parts of the site, the additional storeys would rise sheer from ground to sixth floor to follow the southern property boundaries with Manette Street, and to follow the angle of Goslett Yard to the north. To the rear, the new additional storeys would continue the approach of stepped terraces rising away from the garden of the House of St Barnabas.

Design quality and townscape / heritage impacts

Whilst the freedom of the redesign of the site is restricted by the retention of the building, it is considered that the proposals would enable a notable improvement in architectural quality over the existing very poor quality but obtrusive building. The resolution of the corners of the front façade, and a more successful façade onto Goslett Yard would resolve many of the poorly considered elements of the existing buildings, whilst allowing the use of new, high quality traditional materials arranged to create a series of carefully ordered elevations. The design proposed strikes a careful balance between variety and a more unified building design, whilst also carrying a strong sense of hierarchy from ground to top, and from front to rear.

The proposal does of course represent a significant increase in size. The existing building is notably more bulky than the older buildings to the south and west, and it is proposed to enlarge this further through the addition of three further storeys (four including the access / plant storey). This would dwarf the small collection of older buildings to the south, including the listed buildings on Manette Street. It is nevertheless consistent with and in fact lower in scale than the new buildings being built immediately to the north, east and south, all of which are currently being built; the proposals must be considered in this context.

The increase in scale when viewed from Charing Cross Road would be significant, but generally comfortable given the evident backdrop of the taller development of Number One Oxford Street. Similarly, from the north looking south down Charing Cross Road, the extended building would be seen with the new Ilona Rose House in the background. The most significant impacts would be seen from Manette Street, where gaps between the listed buildings would reveal the notable increase in height over the existing building. This would cause some harm to the setting of the listed buildings on Manette Street, and in turn to the way in which these former houses contribute to the character and appearance of the conservation area. The impacts on the Grade I listed House of St Barnabas would be negligible fortunately, given the continued approach of terraces receding in the view away from the House's garden.

The impacts on the Manette Street listed buildings must be considered in light of the degree to which setting contributes to the significance of the listed buildings, which due to the emerging character of the area is now more limited than it might be if the development was not on the edge of the SCA and TCROA. As such it is considered

that the harm caused to the listed buildings is only slight when compared to the existing, and is somewhat balanced by the design improvements secured by the proposals when compared with the poor quality of the existing building.

In summary, the proposals are considered to represent a significant improvement in the design quality of the site when compared with the existing building, and would allow the site to contribute positively to the architectural character of the surrounding conservation area and wider townscape. Whilst some degree of harm to the setting of adjacent listed buildings, and to the appearance of the area through the increase in scale must be acknowledged, this is considered to be minimal due to the context of the surrounding Opportunity Area developments, which have substantively increased the average scale of developments in this part of the conservation area. This residual harm must, in accordance with paragraph 196 of the NPPF, be weighed carefully against the wider public benefits of the scheme.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings and educational buildings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

The proposal will substantially increase the height and bulk of the building. Two objections have been received from neighbouring residents in Shaldon Mansions, 132 Charing Cross Road (opposite) and 133 Charing Cross Road (next door) on the grounds of loss of light and privacy to their properties. One commercial occupier has objected on the grounds that the proposal will result in a loss of light to the surrounding streets, making the area feel gloomy.

Sunlight and Daylight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultants GIA have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties at 126-136 Charing Cross Road (Shaldon Mansions), 3, 4 - 5 Greek Street, The Royal George Public House (133 Charing Cross Road) and Denmark Place. The House of St Barnabas which is in use as a private members club has also been tested.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with reductions of over 20% of existing daylight (VSC) levels likely to be noticeable; or the area of the working plane in a room which can receive direct skylight i.e. is within no-sky line (NSL) is reduced by over 20%. In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall

faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight.

The report confirms that the proposed development will comply with BRE guidelines in relation to sunlight and daylight at 3, 4-5 Greek Street, Denmark Place and The House of St Barnabas and there will be no material loss of sunlight or daylight to these properties. All rooms tested will meet the APSH criteria and there will be no loss of sunlight to any of the properties tested.

One window within 126-136 Charing Cross Road (Shaldon Mansions) will experience a minor transgression in VSC of 20.2% against a BRE target of 20%. The retained level of VSC will remain good (17%) and it appears that the effected room is also served by three further windows which will be BRE compliant.

The two storey Royal George Public House abuts the site to the north west. The public house is located at ground floor level with a residential unit at first floor level. Of the six windows tested, which appear to serve two rooms, none will achieve compliance with BRE guidelines in relation to daylight. These windows already have low VSC levels of between 6.4% to 8.9% (which creates disproportionate percentage changes), with retained VSC levels between 4.8% to 5.5%. These windows, however, will remain BRE compliant with regards to the daylight distribution test (NSL). The loss of daylight to this residential flat is highly regrettable, however given the existing VSC levels are already low and it will remain compliant with NSL, it is not considered that a refusal on the grounds of loss of daylight to this property could be sustained.

The proposed building will be lower than the new developments being constructed in the immediate vicinity along Charing Cross Road. The building has been stepped down to the rear to reflect the smaller buildings in Soho. Given the context of the site it is not considered that the development could be resisted on the grounds of overbearing impact on the surrounding streets.

Privacy

Terraces are proposed to serve the office floors, with the exception of the first floor, with a communal terrace proposed at seventh floor/roof level. A condition is recommended restricting the hours of use of the terraces to between 0700 and 2100 Monday to Friday to protect the amenity of surrounding residents. Accordingly the proposal is considered acceptable in amenity terms.

8.4 Transportation/Parking

The applicant has submitted a Transport Statement in support of their application. No car parking is proposed which is consistent with UDP policies TRANS21 and TRANS22 of the UDP.

68 cycle parking spaces are proposed with a further 12 spaces for fold up bicycles at basement level accessed from Orange Yard. This is sufficient to meet the needs of the proposed development. The provision of changing and showers facilities at basement level are welcomed.

There is currently no off-street servicing at the site. The site is located within a Controlled Parking Zone, with single and double yellow lines in the vicinity to allow loading and unloading to occur. The Highways Planning Manager is satisfied that the servicing requirements of the building are unlikely to alter significantly as a result of the proposed development and it will not have a significant adverse impact on the surrounding highway network.

The frontage to Charing Cross Road will be moved forward in line with the buildings existing columns. There will be no loss of publicly maintained public highway and it is not considered to have a significant adverse impact on pedestrians.

8.5 Economic Considerations

The economic benefits of the development are welcomed.

8.6 Access

Level access is proposed into each of the uses at ground floor level with lift access to the basement and upper floors. Lift lobbies, corridors and thresholds will comply with the Disability Discrimination Act.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed within the basement level and an open plant enclosure at main roof level. Conditions are recommended to secure full details of plant and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures available to confirm compliance with the Council's standard noise condition.

Air Quality

The proposed development falls within an Air Quality Management Area. The applicant has submitted an Air Quality Assessment in support of their application which concludes that the operational air quality effects of the development are not significant.

Refuse /Recycling

Separate waste storage areas are proposed at ground level for each of the uses with direct street access. The Council's Waste Project Officer is satisfied that they are large

enough to accommodate the waste and recycling expected from the development.

Trees/Biodiversity

The applicant has submitted an Arboricultural Impact Assessment. There are eight trees adjacent to the development site, three London planes and two Liquidambar trees located on the public footway on Charing Cross Road and two London Planes and a mature black mulberry in the courtyard garden of the House of St Barnabas.

The Council's Arboricultural Manager is satisfied that with tree protection measures these trees will not be harmed during the construction works and it is recommended that details be secured by condition.

The development includes a new green roof and planters on the terraces to include habitats and planting to promote biodiversity, bat and bird boxes and an efficient water irrigation strategy. Conditions are recommended to secure these measures and details of a planting scheme for the terraces.

Sustainability

The applicant has submitted an Energy Statement and a Sustainability Statement in support of their application.

The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice design of building services, lighting and controls;
- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

Due to the extensive nature of the refurbishment and the scale of the proposed extension, the applicant has assessed the office building as a new development, rather than an existing one.

It is proposed to deliver a 16% improvement in carbon emissions based on the current Building Regulations (2013). It achieves this through passive design and energy efficiency measures including high performance insulation and glazing and energy efficient building services systems. Renewable energy is proposed in the form of photovoltaic panels (43sqm) at roof level in order to provide on-site electricity generation providing 2% carbon emissions savings.

There are no available existing or proposed district heating networks in the vicinity of the proposed Development. However, the scheme will be future proofed to make allowance for connection should a low-carbon district heat network become available.

The applicant has agreed to a carbon offset payment of £41,400 (index linked) for the

shortfall in carbon savings relative to the 35% requirement of the London Plan (Policy 5.2 and Policy SI2 of the draft London Plan). It is recommended that this be secured through the section 106 legal agreement.

The scheme aims to achieve a BREEAM 'Excellent' rating assessed against BREEAM New Construction 2014 criteria.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

Not applicable to this site.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application, a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development, tree protection measures and Crossrail requirements. The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- A payment of £1,713,303.47 towards the Council's affordable housing fund (index linked and payable on commencement of development).
- Carbon offset payment of £41,400.
- Monitoring costs.

The estimated CIL payment is: £980,539.70 (£428,460 Mayoral CIL and £552,079.70 Westminster CIL)

8.13 Environmental Impact Assessment

An Environmental Impact Assessment is not required. Sustainability and environmental issues are covered in section 8.7 above.

8.14 Other Issues

Construction impact

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEM; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

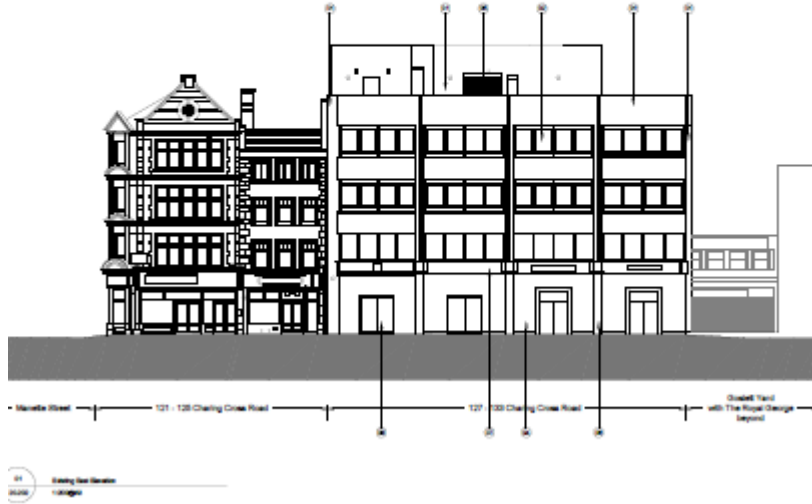
Community Liaison

A Statement of Community Involvement (SCI) has been submitted with this application. A public exhibition of the proposals was held at St Anne's Church on 10 January 2019.

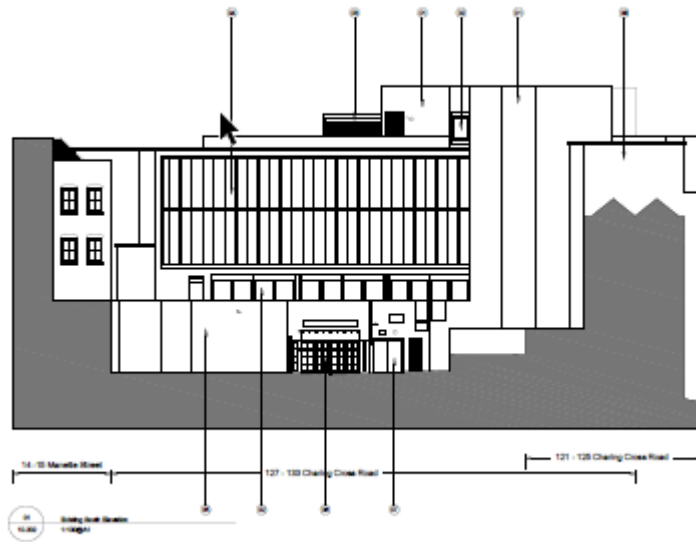
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **JULIA ASGHAR** BY EMAIL AT jasghar@westminster.gov.uk

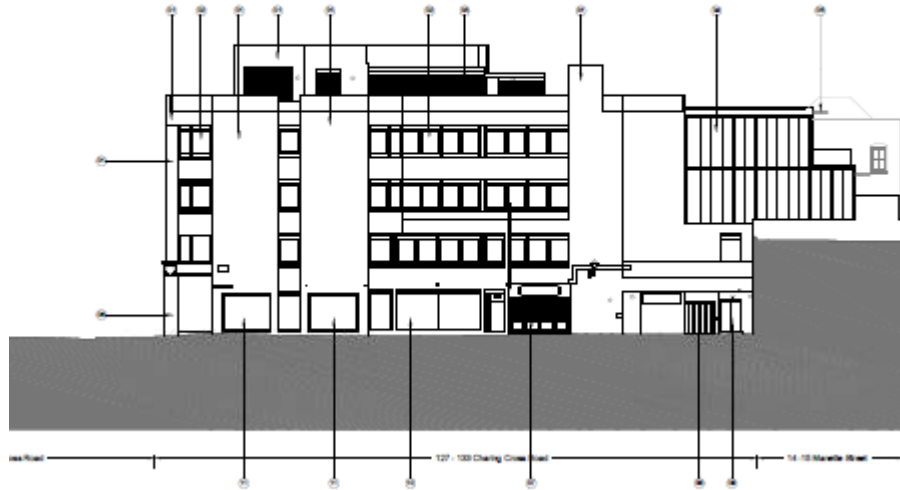
9. KEY DRAWINGS



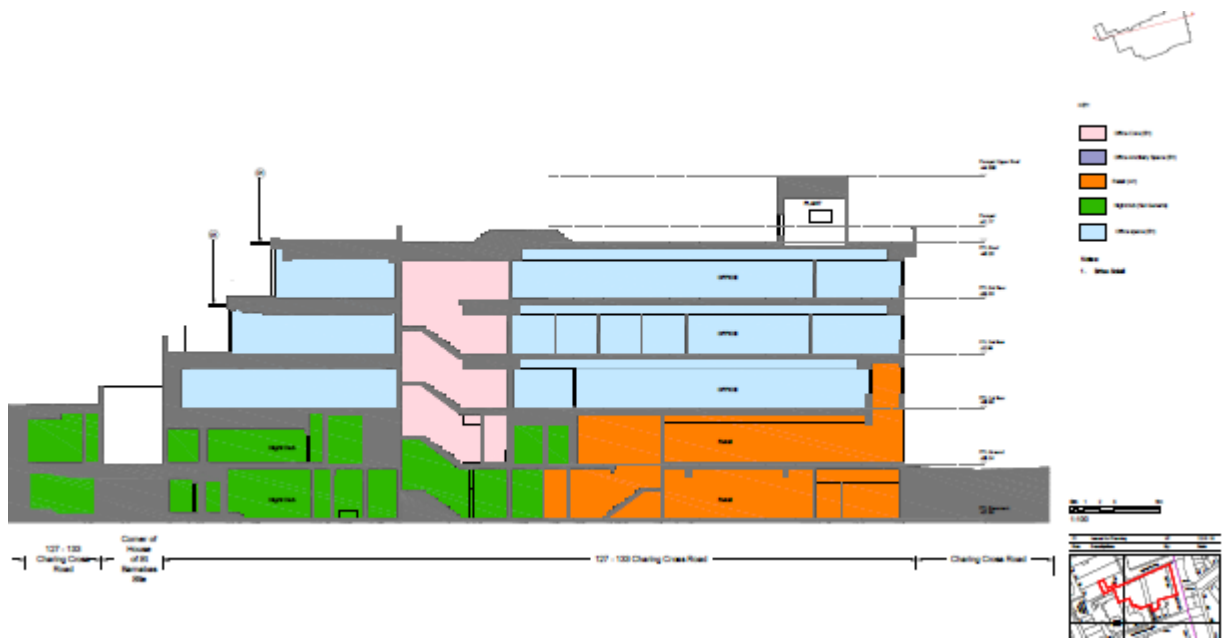
Existing Charing Cross Road elevation



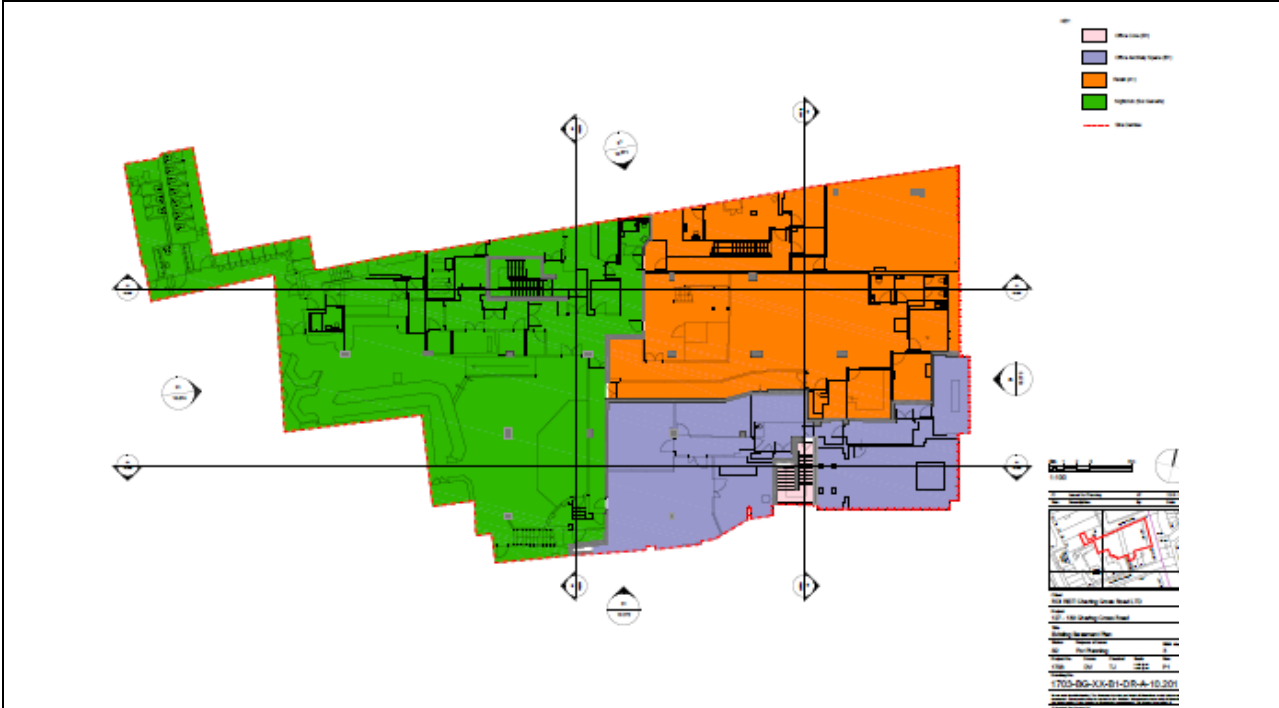
Existing Manette Street elevation



Existing Goslett Yard elevation



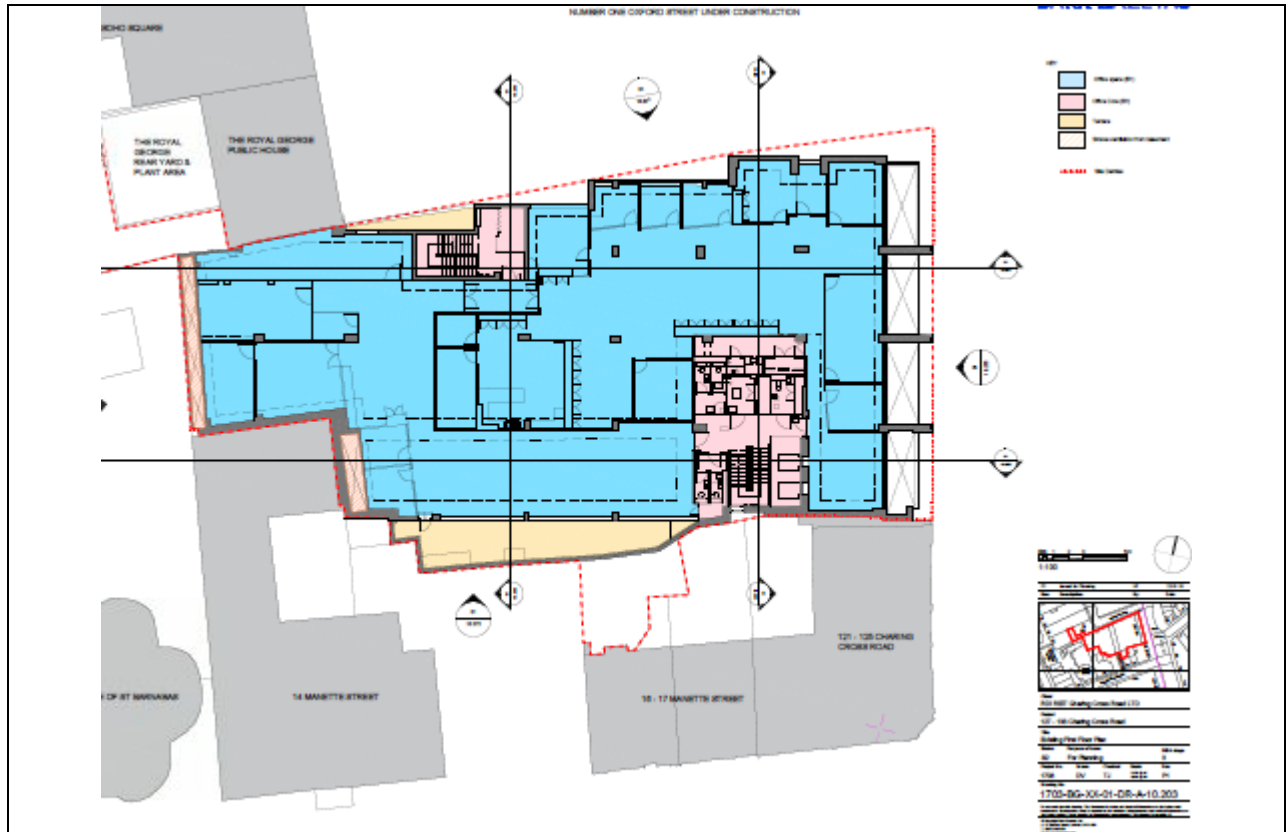
Existing section



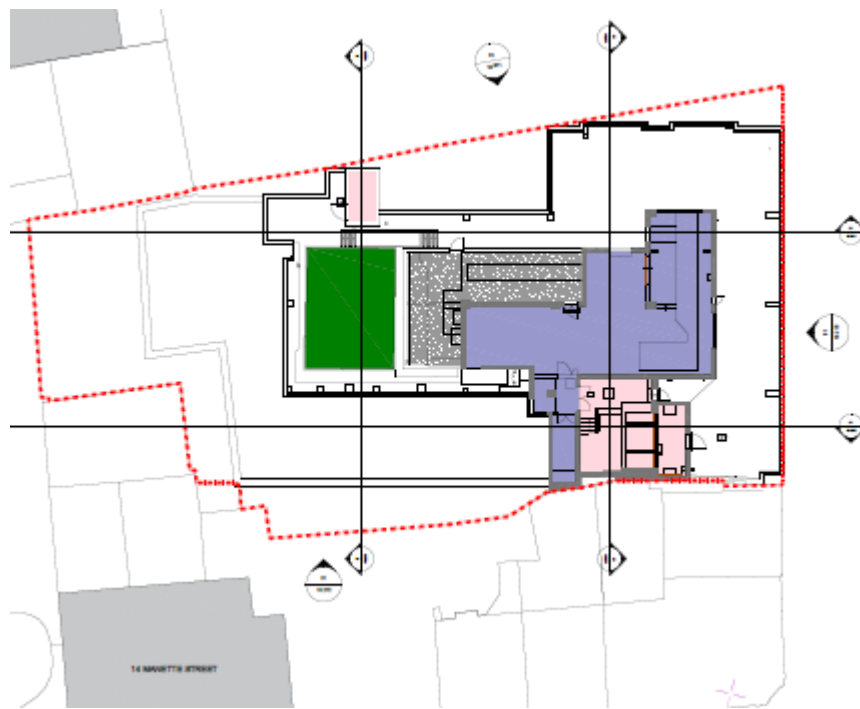
Existing Basement



Existing ground floor



Existing first floor



Existing roof plan



Proposed Charing Cross Road



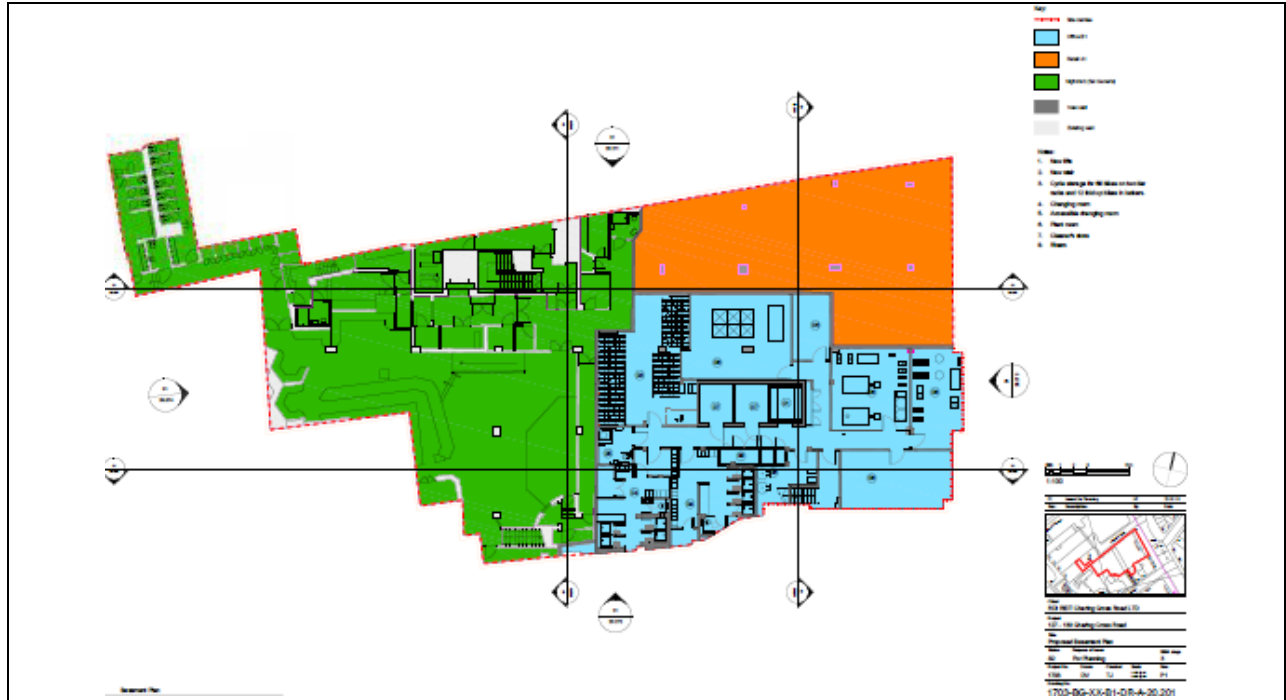
Proposed Manette Street



Proposed Goslett Yard



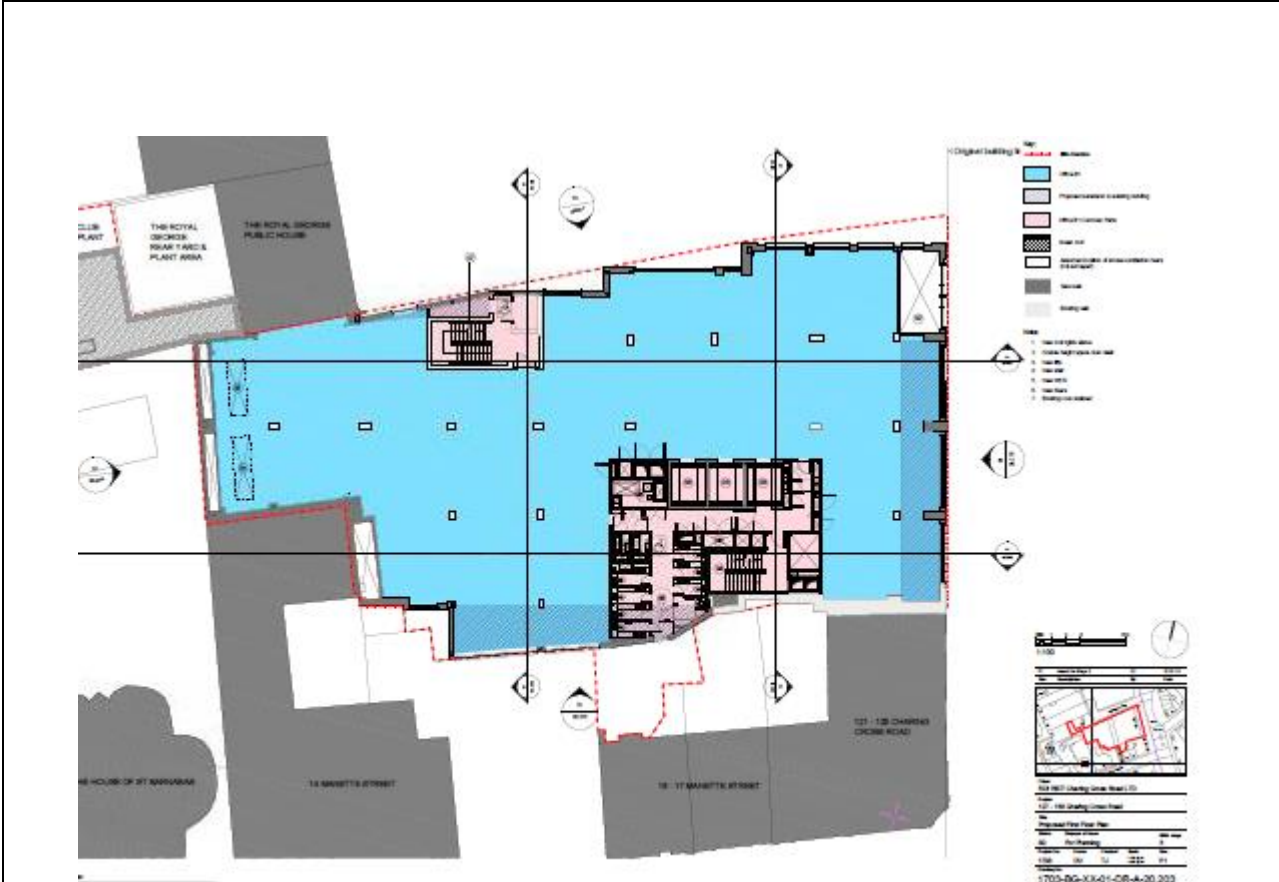
Proposed section



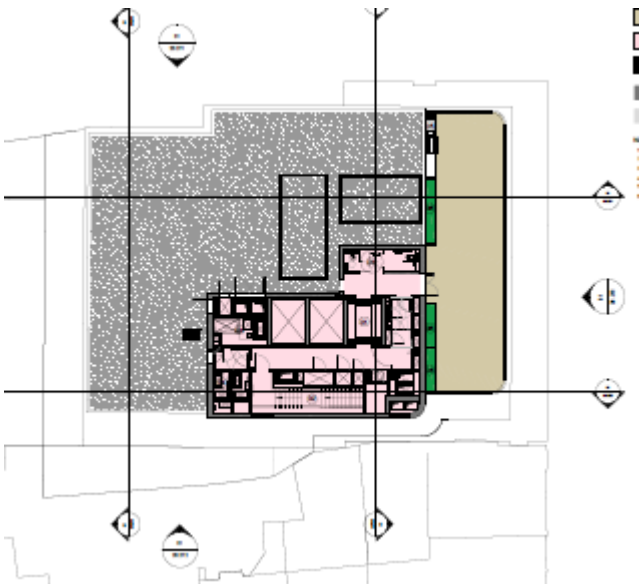
Proposed basement



Proposed ground floor



Proposed first floor



Proposed seventh floor

Existing Charing Cross Road



Ilona Rose House Development

Existing Site

Number One Oxford Street Site A and B development

Oxford Street

f Charing Cross Road with the existing building



Ilona Rose House Development

Proposed Development

Number One Oxford Street Site A and B development

Oxford Street

Proposed Charing Cross Road



Existing Manette Street



Proposed Manette Street



Charing Cross Road

DRAFT DECISION LETTER

Address: 127-133 Charing Cross Road, London, WC2H 0EA,

Proposal: Refurbishment and extensions to existing building including replacement of external facades; three additional floors at roof level plus rooftop access housing and plant enclosure; and terraces at second to seventh floor level; to provide retail (Class A1), office (Class B1) and nightclub (Sui Generis) floorspace.

Plan Nos: 1703.00.101; 1703_10.101; 1703.10.171; 1703.10.172; 1703_10.201; 1703_10.202; 1703_10.203; 1703_10.204; 1703_10.205; 1703_10.206; 1703_10.251; 1703_10.252; 1703_10.253; 1703_10.254; 1703_10.271; 1703_10.272; 1703_10.273; 1703_10.274; 1703_15.201; 1703_15.202; 1703_15.203; 1703_15.204; 1703_15.205; 1703_15.206; 1703_15.251; 1703_15.252; 1703_15.253; 1703_15.254; 1703_15.271; 1703_15.272; 1703_15.273; 1703_15.274; 1703.20.171; 1703.20.172; 1703_20.201; 1703_20.202/P2; 1703_20.203; 1703_20.204; 1703_20.205; 1703_20.206; 1703_20.207; 1703_20.208; 1703_20.206; 1703_20.207; 1703_20.251; 1703_20.252; 1703_20.253; 1703_20.254; 1703_20.271; 1703_20.272; 1703_20.273; and 1703_20.274.

For information only: Planning Statement prepared by DP9; Design and Access Statement, prepared by Barr Gazetas; Air Quality Assessment, prepared by Air Quality Consultants; Arboricultural Impact Assessment, prepared by Wardell Armstrong; Archaeological Historic Environment Assessment, prepared by MOLA; Construction Management Plan, prepared by Spring & Co; Daylight and Sunlight Report, prepared by GIA; Delivery and Servicing Management Plan, prepared by TTP Consulting; Energy Statement, prepared by Aecomlood Risk Assessment and Drainage Strategy, prepared by Heyne Tillet Steel; Heritage Statement, prepared by Heritage Collective; Noise Assessment, prepared by Clement Acoustics; Statement of Community Involvement, prepared by Concilio; Sustainability Statement, prepared by Aecom; Transport Statement, prepared by TTP Consulting; Utility Services Report, prepared by Aecom; Visual Impact Assessment, prepared by M3FX; and Workplace Travel Plan, prepared by TTP Consulting.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641 2518

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which

can be heard at the boundary of the site only:

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any
- (a) demolition, and/or
 - (b) earthworks/piling and/or
 - (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 You must apply to us for approval of a detailed written and photographic schedule of the facing materials you will use and which you should prepare as sample panels to be viewed by us on-site. Your schedule should include annotated versions of the approved elevations and roof plans to show where each of the materials would be used. You must not start work on the relevant parts of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of further information as set out below of the following parts of the development:
- a. Shopfronts and ground floor entrances (detailed elevations and sections at 1:20);
 - b. Typical bay study of the third to fourth floor elevations (detailed elevations and sections at 1:20);
 - c. Typical bay study of the sixth to seventh floor elevations (detailed elevations and sections at 1:20);
 - d. Signage strategy (enhanced elevations at 1:20 of signage zones, proposed signage design code, and details of how this will be managed with tenants).

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- a. Increased depth of profile to window mullions.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the **** use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise

level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in

January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 10 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 11 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 12 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 9 and 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 13 The terraces shall only be used between the hours of 0700 and 2100 Monday to Friday.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 14 You must provide the waste store shown on drawing 1703-20.202/P2 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 15 No waste should be left or stored on the public highway.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 16 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 17 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 18 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail accommodation hereby approved shall not be used as a supermarket unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 20 You must install the features outlined in your Sustainability Report: bird boxes, bat boxes and efficient water irrigation strategy. You must not occupy the office part of the development until these features have been installed. You must not remove any of these features.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 21 You must apply to us for approval of details of the planters on the roof terrace, to include construction method, dimensions, irrigation and planting scheme. You must not occupy the office part of the development until we have approved what you have sent us. You must then install these features according to the details approved.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 22 **Pre Commencement Condition.** Notwithstanding the details submitted, you must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 23 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

Photovoltaics and green roof.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 24 The development shall achieve a BREEAM rating of 'Excellent' (New Construction 2014 or any such national measure of sustainability that replaces that scheme of the same standard).

A post construction certificate confirming this standard under BREEAM has been achieved must be issued by the Building Research Establishment, and submitted for approval by the Local Planning Authority within 3 months of completion on site.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 25 You must apply to us for approval of detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), which:-

- (i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works,
- (ii) Mitigate the effects on Crossrail, of ground movement arising from development.

You must not start work until we, in consultation with Crossrail Ltd, have approved what you have sent us. You must then carry out the work according to these design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1(ii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National

Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 Pursuant to s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place. The applicant should contact Jeff Perkins (0207 641 2642) in Highways Planning to progress the application for stopping up of the highway. If works commence prior to the finalisation of the stopping up process, an obstruction of the highway is still occurring.
- 6 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.
- 7 The Economy Team at Westminster City Council provide support and guidance to developers

and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)

- 8 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>
- 9 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 10 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 11 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 12 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 13 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 14 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 15 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 16 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase. Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 17 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 18 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 19 When you apply to us for approval of details under condition 22 you must provide more precise details for the tree protective boxing and a brief methodology for the hosing down of adjacent trees, including details of who will assess the requirement for hosing the trees, how often this assessment will be made and a brief methodology for hosing down the leaves to ensure the effectiveness of the procedure.
- 20 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 21 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

- 22 There may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. Thames water will need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. You are advised to read Thames Water's guide working near or diverting our pipes.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- 23 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. You are advised to read Thames Waters guide to working near or diverting our pipes.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
- 24 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. You should take account of this minimum pressure in the design of the proposed development.
- 25 As both the future Elizabeth Line (Crossrail) and London Underground operate in tunnels beneath the development site the developer is advised to consider and mitigate as far as reasonable, the risk of impact from transmitted groundborne noise and vibration.
- 26 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- i) A payment of £1,713,303.47 towards the Council's affordable housing fund (index linked and payable on commencement of development).
 - ii) Carbon offset payment of £41,400.
 - ii) Monitoring costs.